

April 23, 2007

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, D.C. 20554

Re: *Ex Parte* Communication, PS Docket No. 06-229; WT Docket Nos. 96-86, 06-150, 06-169

Dear Ms. Dortch:

On April 23, 2007, Christopher Guttman-McCabe, Vice President, CTIA – The Wireless Association® (“CTIA”), had a telephone conversation with Bruce Gottlieb, Legal Advisor to Commissioner Michael Copps to discuss pending issues in the 700 MHz proceedings. During the conversation, Mr. Guttman-McCabe discussed CTIA’s support for the Commission’s ongoing efforts to ensure the CMRS industry has access to the spectrum it needs to continue to innovate and serve its more than 230 million mobile wireless customers. Mr. Guttman-McCabe expressed CTIA’s support for band plan and service rules that enable both small and large entities to compete for and use this valuable resource to deploy next generation mobile broadband services.

During the conversation, Mr. Guttman-McCabe specifically noted CTIA’s opposition to the Frontline Wireless, LLC (“Frontline”) proposal.¹ The Commission is being asked in an unrealistic timeframe to review and act on a plan full of legal risk, policy flaws, and business uncertainties – a plan that, if adopted, would create significant uncertainty for both the commercial and public safety spectrum.² Frontline proposes that the Commission allow commercial use of spectrum allocated to Public Safety in contravention to Section 337 of the Communications Act. The proposal, moreover, reverts back to “command and control” spectrum policy management with a laundry list of license conditions designed to favor a single entity, Frontline. The combination of conditions – buildout of the E Block and public safety broadband spectrum, E block spectrum subject to preemption for public safety emergency use, a wholesale business plan, an open access requirement on all licenses held by the licensee, a wireless *Carterfone*-type obligation, roaming service – render

¹ See Letter from Steve Largent, President and CEO, CTIA, to Kevin Martin, Chairman, FCC, WT Docket No. 06-150 (Apr. 5, 2007).

² See e.g. Letter from John Blevins, Counsel to Frontline Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 06-150 *et al.* (Mar. 26, 2007).

the prospects of business success a real and open question. If Frontline's proposal truly is a viable business and results in the best use of the spectrum, it should participate in bidding at auction like all other interested bidders without the need for these special license conditions. Public safety, moreover, has no choice in the matter – it is forced to rely on the auction winner to operate this pre-ordained business plan and build out and manage the public safety nationwide broadband network.

Ultimately, the proposal so devalues the spectrum that it jeopardizes auction proceeds already earmarked for worthy projects including public safety interoperability. The Commission's competitive bidding program is premised on the view that the entities who value licenses most highly are most likely to put them to the highest valued use. The Frontline plan would, if adopted, skew these incentives, thereby limiting the potential of the 700 MHz band to be the source of new, nationwide wireless broadband competition. The Commission should dismiss the proposal and move forward with the auction in a timely manner, consistent with the requirements of the DTV Act.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being electronically filed with your office. If you have any questions regarding this submission, please contact the undersigned.

Sincerely,

/s/ Paul W. Garnett

Paul W. Garnett

cc: Bruce Gottlieb